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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA  
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12                  RICHARD SCOTT,

13                  Plaintiff,

14                  v.

15                  KEITH DEVOS et al.,

16                  Defendants.

17                  CASE NO. 3:25-cv-05311-RSL-SKV  
18  
19                  ORDER AFFIRMING DENIAL OF  
20                  RECUSAL (DKT. NO. 5)

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22         This matter comes before the Court on Judge S. Kate Vaughan's denial (Dkt. No. 6) of  
23         Plaintiff's motion for recusal. (Dkt. No. 5.) Local Civil Rule 3(f) provides that whenever a  
24         judge in this District declines to voluntarily recuse themself from a case following a party's  
       motion to recuse pursuant to 28 U.S.C. § 144 or 28 U.S.C. § 455, "he or she will direct the clerk  
       to refer the motion to the chief judge." Accordingly, this Court now reviews Judge Vaughan's  
       decision not to recuse.

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26         Motions for recusal are governed by 28 U.S.C. § 144 and 28 U.S.C. § 455. Recusal is  
27         required if a judge's impartiality might reasonably be questioned or if the judge harbors personal  
28

1 bias or prejudice against a party. 28 U.S.C. § 455(a), (b)(1). Such bias or prejudice must derive  
2 from an extrajudicial source. *Agha-Khan v. Mortgage Elec. Registration Sys., Inc.*, 2022 WL  
3 501564, at \*1 (9th Cir. Feb. 18, 2022); *Mayes v. Leipziger*, 729 F.2d 605, 607 (9th Cir.  
4 1984). Under both 28 U.S.C. § 144 and 28 U.S.C. § 455, recusal of a federal judge is  
5 appropriate if “a reasonable person with knowledge of all the facts would conclude that the  
6 judge’s impartiality might reasonably be questioned.” *Yagman v. Republic Ins.*, 987 F.2d 622,  
7 626 (9th Cir. 1993). This is an objective inquiry concerned with whether there is the appearance  
8 of bias, not whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir.  
9 1992).

10 On June 6, 2025, Judge Vaughan issued an order directing Plaintiff to show cause, within  
11 30 days, why his complaint should not be dismissed for failure to state a claim. (Dkt. No. 4.) On  
12 June 20, 2025, Plaintiff responded to the order to show cause. (Dkt. No. 5.) In his response,  
13 Plaintiff speculated that Judge Vaughan’s order stemmed from bias against sex offenders and a  
14 desire to delay settlement in this case. (*Id.* at 2.) Plaintiff asked for this case to be re-assigned to  
15 a different judge. (*Id.* at 3.) Judge Vaughan construed Plaintiff’s response as a motion for  
16 recusal, and declined to recuse herself, finding no justification for doing so. (Dkt. No. 6.)

17 To the extent Plaintiff’s motion for recusal is predicated on disagreement with Judge  
18 Vaughan’s order, this does not constitute a basis for recusal. See *United States v. Studley*, 783  
19 F.2d 934, 939 (9th Cir. 1986) (“[A] judge’s prior adverse ruling is not sufficient cause for  
20 recusal.”); *accord Liteky v. United States*, 510 U.S. 540, 555 (1994) (“[J]udicial rulings alone  
21 almost never constitute a valid basis for a bias or partiality motion.”).

The Court finds no evidence that would lead a reasonable person to question Judge Vaughan's impartiality. Accordingly, the Court AFFIRMS Judge Vaughan's denial (Dkt. No. 6) of Plaintiff's motion for recusal. (Dkt. No. 5.)

Dated this 18th day of July, 2025.



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David G. Estudillo  
United States District Judge